



U.S. SENATE REPUBLICAN POLICY COMMITTEE

Legislative Notice

No. 6

March 2, 2009

## H.R. 1105—Omnibus Appropriations Act of 2009

Calendar No. 26

*H.R. 1105 was read twice and placed on the Calendar on February 26, 2009.*

### Noteworthy

- H.R. 1105 authorizes \$408 billion in non-emergency outlays for fiscal year (FY) 2009.
- The Omnibus includes the nine appropriations bills that were not passed by Congress last year: Agriculture, Commerce/Justice, Energy and Water, Financial Services, Interior/Environment, Labor/HHS/Education, Legislative Branch, State/Foreign Operations, and Transportation/HUD.
- These agencies are currently funded through March 6, 2009, at their fiscal year 2008 funding levels via a Continuing Resolution (P.L. 110-329) enacted September 30, 2008.
- The three other appropriations bills, Defense, Homeland Security, and Military Construction/VA, were funded in P.L. 110-329, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009.
- Taxpayers for Common Sense found 8,570 “Congressionally Directed Spending” provisions, otherwise known as earmarks, worth \$7.7 billion.
- The \$408 billion in non-emergency budgetary authority in H.R. 1105 represent a 8 percent increase over appropriated spending levels for these nine appropriations divisions in 2008; this \$32 billion increase is the largest one-year hike in annual appropriated spending since the Carter Administration, with the exception of funding immediately after Sept. 11, 2001.
- In addition to this Omnibus and the Continuing Resolution, Congress has enacted two other spending bills in the last 12 months – the American Recovery and Reinvestment Act (P.L. 111-5) and the Supplemental Appropriations Act (P.L. 110-252).
- Total appropriated 2009 emergency and non-emergency outlays of the four major spending bills enacted over the last year are \$1.4 trillion.
- The Congressional Budget Office in its January forecast estimated that the United States would run a deficit of \$1.2 trillion in FY 2009, 8.3 percent of Gross Domestic Product (GDP) and the largest single year deficit in post-World War II American history.
- President Obama’s recently submitted budget estimates a 2009 deficit of \$1.75 trillion, which is 12.3 percent of GDP.
- H.R. 1105 passed the House on February 26, 2009 by a vote of 245-178.

## Bill Highlights

### Full Year Discretionary Appropriations for Fiscal Years 2009 and 2008

Appropriations Subcommittees	Total emergency and non-emergency budgetary authority 2009, millions of dollars				Total	2008 Total BA	Increase in H.R. 1105	Total increase
	P.L. 110-252 Supplemental Appropriations Act, June 2008	P.L. 110-329 Continuing Resolution, Sept 2008	P.L. 111-5 ARRA, February 2009	H.R. 1105 Omnibus Appropriations Act, under consideration				
Agriculture	395	10	11,330	20,456	<b>32,191</b>	<b>18,493</b>	<b>11%</b>	<b>74%</b>
Commerce, Justice	83	-	15,922	57,652	<b>73,657</b>	<b>51,989</b>	<b>11%</b>	<b>42%</b>
Defense	65,921	487,737	4,555	-	<b>558,213</b>	<b>459,332</b>	-	<b>22%</b>
Energy and Water	5,761	7,760	44,335	33,261	<b>91,117</b>	<b>30,888</b>	<b>8%</b>	<b>195%</b>
Financial Services	-	-	6,858	22,697	<b>29,555</b>	<b>20,849</b>	<b>9%</b>	<b>42%</b>
Homeland Security	-	42,164	2,755	100	<b>45,019</b>	<b>37,562</b>	-	<b>20%</b>
Interior, Environment	-	-	10,950	27,579	<b>38,529</b>	<b>26,555</b>	<b>4%</b>	<b>45%</b>
Labor, HHS, Education	8,570	5,100	125,333	149,935	<b>288,938</b>	<b>145,148</b>	<b>3%</b>	<b>99%</b>
Legislative Branch	-	-	25	4,402	<b>4,427</b>	<b>3,970</b>	<b>11%</b>	<b>12%</b>
MilCon, VA	746	73,061	4,281	-	<b>78,088</b>	<b>63,905</b>	-	<b>22%</b>
State, Foreign Operations	3,679	-	602	36,620	<b>40,901</b>	<b>32,800</b>	<b>12%</b>	<b>25%</b>
Transportation, HUD	-	-	61,782	54,999	<b>116,781</b>	<b>48,821</b>	<b>13%</b>	<b>139%</b>
<b>Total</b>	<b>85,155</b>	<b>615,832</b>	<b>288,728</b>	<b>407,701</b>	<b>1,397,416</b>	<b>940,312</b>	-	<b>49%</b>

## Cost

H.R. 1105 contains \$408 billion in non-emergency discretionary budgetary authority and \$99 million in emergency discretionary budgetary authority in FY 2009.

Adding in the cost of the continuing resolution passed in September 2008, the American Recovery and Reinvestment Act (ARRA, or stimulus bill) passed in February 2009, and the supplemental appropriations bill passed in June of 2008, total emergency and non-emergency budgetary authority granted in FY 2009 is \$1.4 trillion. Budgetary authority for FY 2008 was \$940 billion; the \$457 billion total increase over FY 2008 is a 49 percent increase.

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## Policy Considerations

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### *Banking*

Mortgages: Section 626 requires the Federal Trade Commission (FTC) to conduct a rulemaking with regards to mortgage loans with any violations of the new rule to be treated as an unfair and deceptive act under the FTC statute. Further, the provision permits state attorneys' general to enforce the Truth in Lending Act or the new FTC mortgage loan rules required by this section. Lastly, the section gives the FTC authority to assess civil penalties for violations of regulation Z (pertaining to home mortgage loans and mortgage practices) issued by the Federal Reserve.

Real Estate Language: The bill includes language that permanently prohibits banks from engaging in real estate activities.

### *Commerce*

FCC provisions: The bill includes two provisions regarding the Federal Communications Commission (FCC): 1) the FCC is prevented from restricting Universal Service Fund subsidies to primary lines; and 2) the Universal Service Fund is exempted from the Anti-deficiency Act.

### *Education*

D.C. Opportunity Scholarships: Division D, Title IV of the Omnibus provides \$14 million and extends the District of Columbia Opportunity Scholarships program through the 2009-2010 school year, but also contains language stating that in order to receive additional funding in the future the program must be reauthorized by Congress and approved by the District of Columbia. Supporters of the scholarships perceive this as an effort to eliminate the program.

Reading First: The Omnibus zeroes out funding for Reading First. This is the only federal program exclusively dedicated to ensuring low income children can gain the skills necessary to learn to read by the end of the third grade.

School Construction Funding for Alaska and Hawaii: The Omnibus allows funds under Education of Native Hawaiians and the Alaska Native Educational Equity to be used for school construction, renovation, and modernization.

### *Energy*

Outer Continental Shelf: The bill no longer contains any prohibitions against oil and gas leasing activities in the outer continental shelf, nor restrictions on oil shale leasing regulations. This is consistent with congressional action in the fiscal year 2009 Continuing Resolution.

Strategic Petroleum Reserve: The Omnibus includes only \$31.5 million of the \$171 million requested for expansion of the SPR. The Explanatory Statement indicates the Committees do not support other expansion at this time, meaning the government will be wasting an opportunity to fill the SPR at a time when oil prices are relatively low.

#### *Federal Government*

A-76: The bill continues to expand the A-76 provisions that have been included in previous bills. The language makes it increasingly difficult for private companies to compete for federal contracts, in essence excluding them from the competitive process.

Federal Pay Raise: The bill includes a 3.9 percent federal pay raise.

Judicial Cost of Living Adjustment: The bill provides a cost of living increase for justices and judges.

#### *Foreign Affairs/Trade*

Chinese Poultry: Section 727 of Division A prohibits the importation of poultry products from China. This provision was included in last year's bill. The Chinese government has sought to eliminate this provision from the agriculture division as a trade barrier.

Cuba: Section 621, Title VI, Division D significantly weakens existing travel restrictions to Cuba, providing that no funds may be available to enforce the most recent amendments to the Cuba family travel limitations, which are found at 31 C.F.R. § 515.560 and 515.561. The amendments narrowed the category of relatives who can be visited in Cuba to a "member of a person's immediate family." They also provided that a specific license was required for the visits, and that the visits could take place only once every three years and last for no longer than 14 days in duration. The amendments also limited the amount of money travelers could spend to \$50/day plus certain transportation-related expenses in Cuba.

Section 621 returns the state of the law to what it was prior to these amendments, when a person could visit a Cuban national close relative (defined to include second cousins) once every 12 months under a general license and more often pursuant to specific licenses. The traveler could spend up to the State Department per diem for living expenses in Cuba plus any additional funds needed for transactions that were directly incident to visiting that relative.

Section 622 of this section significantly weakens the restrictions on the payment and financing terms for authorized exports of agriculture and medical supplies from the United States to Cuba, which are found at 31 C.F.R. § 515.533. "Cash-in-advance" is one method of payment, which the most recent amendment to the regulation defined as payment received by the seller or the seller's agent prior to shipment of the goods from the port at which they are loaded (as opposed to prior to delivery of the goods to the seller, for example). Section 622 provides that no funds may be available to enforce this most recent amendment to the regulation with respect to the export of agriculture and medical supplies specifically.

In their Joint Explanatory Statement, the Appropriations Committees demanded from the State Department's Office of Foreign Assets Control (OFAC) an extensive report on many elements of OFAC's enforcement of the Cuba sanctions regime and Cuba licensing matters. The Committees clearly believe OFAC has devoted a disproportionate amount of its resource efforts to Cuba matters.

United Nations: Language that regularly appears that prevents funds from being provided to the UN "if the United Nations implements or imposes any taxation on any United States persons" has been dropped from this legislation.

### *Health*

Abortion: The Omnibus continues current law by prohibiting the expenditure of federal funds for abortions under the Federal Employees Health Benefits Program (FEHBP). The bill also continues a provision that provides an exemption if the life of the mother is in danger or if the pregnancy is a result of an act of rape or incest.

Abortion Funding: The legislation maintains prohibitions on the use of appropriated funds for abortion.

Comparative Effectiveness Research: The Joint Explanatory Statement accompanying the bill says that \$50 million will be provided for comparative effectiveness research. This is on top of the \$1.1 billion provided in the stimulus bill.

Conflicts of Interest at NIH: The bill includes language requiring the Secretary of Health and Human Services to issue an advanced notice of proposed rulemaking regarding conflicts of interest among extramural National Institutes of Health investigators.

Health Benefits for Domestic Partners in D.C.: The bill continues current law by allowing the District of Columbia to use local funds for health benefits for domestic partners in D.C., while restricting federal funds for this purpose.

Needle Exchange in D.C.: The bill continues current law by allowing the District to use local funds for this purpose, while restricting federal funds.

Nominal Drug Pricing: A provision in the bill amends the Medicaid Drug Rebate Program to allow more of non-Title X funded family planning clinics such as Planned Parenthood and university health center facilities to receive drugs at a discounted price. The Deficit Reduction Act of 2005 contained language that prohibited the participation of such programs in the Medicaid drug rebate program.

OPM Domestic Partners: The bill includes language that urges the Office of Personnel Management to take steps to extend health care benefits to federal employees' domestic partners.

Publication of NIH-Funded Research: The bill requires that all investigators funded by the National Institutes of Health (NIH) provide their publications for the National Library of

Medicine's PubMed within 12 months of publication. Although publication would allow more people access to the research, limiting the intellectual property rights of medical researchers funded by NIH could have a harmful effect on medical research.

### *Homeland Security*

Afghan Allies Protection Act of 2009: The bill includes language to increase the number of certain Afghan aliens granted special immigration status to not more than 1,500 per year for each of fiscal years 2009 through 2013, and authorizes up to eight months of resettlement assistance for such special immigrants.

DHS Headquarters: The bill includes \$346.6 million for the new Homeland Security Campus. This is the same amount requested by President Bush, but comes on top of \$448 million authorized to the General Services Administration (GSA) and \$248 million to DHS for such purposes in the ARRA.

### *Interior*

Endangered Species Act: The bill includes language allowing the new Secretary of the Interior 60 days from enactment to reverse certain Endangered Species Act (ESA) rule changes that were finalized in December 2008. These rules relate to the ESA consultation process that federal agencies must follow and to rules specific to listing of the polar bear as a threatened species for ESA purposes.

Minerals Management Service: The Omnibus maintains language contained in the FY 2008 bill which allows the Minerals Management Service to assess an administrative charge (known as "2 percent net receipts") for the collection and disbursement of royalties from federal lands which are shared with the states.

### *Transportation*

Motorcycle Helmets: The bill permits the Secretary of Transportation to lobby states and state legislatures on motorcycle helmet laws.

Prohibition against Mexican Trucks: The Department of Transportation is prohibited from using any funds to establish, implement, continue, promote, or in any way permit the Mexican truck pilot program.

Runway Auctions: The bill includes language to prohibit the auction of airport takeoff and landing slots.

### *Treasury*

IRS Debt Collection: The bill prevents funds in this act from being spent on the IRS Debt Collection program. This language does not end the initiative; IRS may use up to 25 percent of fee payments for this purpose.

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## Notable Earmarks

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These earmarks are listed in the Joint Explanatory Statement which was published in the *Congressional Record* of February 23, 2009; after each earmark is the page number in the *Record* where it is listed.

- \$1.76 million for a honey bee lab (H1691).
- \$1.79 million for swine odor and manure management research (H1692).
- \$767,000 for subtropical beef germplasm (H1692).
- \$245,000 for aegilops cylindrica (jointed goatgrass) (H1700).
- \$469,000 for ethnobotanics (ethnobotany is “the plant lore and agricultural customs of a people”) (H1698).
- \$5.8 million to the Edward M. Kennedy Institute for the Senate in Boston for the planning and design of a building and possible support for an endowment (H2296).
- \$5 million for New Leaders for New Schools, an organization whose executive director is likely to be named the next chief of staff at the Department of Education (H2371).
- \$190,000 to the Plumbers Local Union 27 & Steamfitters Local Union 449, Coraopolis, Pennsylvania, for the Western Pennsylvania Pipe Trades Regional Training Project (H2364).
- \$238,000 to the San Francisco Department of Economic and Workforce Development, San Francisco, California, for the Green Jobs Workforce Development Training Pilot project (H2365).
- \$238,000 to Marquette University, Milwaukee, Wisconsin, for a dental health outreach program (H2335).
- \$95,000 to the State of New Mexico, Santa Fe, to collect and analyze data about the need and potential locations for a dental school within the state (H2348).
- \$571,000 to the U.S. Virgin Islands Department of Health, St. Thomas, Virgin Islands, of which \$190,000 is for facilities and equipment for a mental health facility (H2350).
- \$476,000 to the George Meany Center for Labor Studies at the National Labor College, Silver Spring, Maryland, for curriculum development (H2297).
- \$1.6 million to the Michigan Community College Association for an alternative energy training initiative (H2299).
- \$1.2 million for eyeglasses for students whose educational performance may be hindered because of poor vision (H2285).
- \$618,000 for teacher training in the Samoan language (H2279).
- \$485,000 for a boarding school for at-risk Native students from remote villages across western Alaska (H2284).
- \$476,000 to expand the PE4life physical education program across Iowa (H2289).

- \$428,000 to the University of Texas Libraries for the Latino Veterans Oral History Project (H2368).
- \$381,000 for the Cedar Rapids Symphony Orchestra (H2280).
- \$381,000 for a business school in Des Moines, Iowa to recruit and train captioners and court reporters (H2293).
- \$357,000 for Farmingdale State College in New York to develop a green building curriculum (H2297).
- \$333,000 to train college students in closed captioning (H2295).
- \$285,000 for an associate degree program for air traffic controllers (H2293).
- \$262,000 to support the advancement of underrepresented minority pharmacists and pharmaceutical scientists (H2294).
- \$243,000 for the commercial driver's license training program at White Mountain Community College in New Hampshire (H2305).
- \$238,000 for the University of Hawaii to provide cultural education (H2297).
- \$238,000 for emergency and preparedness education programs in Beverly Hills, California (H2291).
- \$238,000 for daily physical education activities in Detroit (H2281).
- \$214,000 for the Stony Brook University School of Journalism in New York to teach scientists how to effectively communicate with the public and the press (H2303).
- \$190,000 for Hawaii Community College to provide cultural education (H2297).
- \$190,000 for Southeastern Illinois College to develop a mining and mine safety curriculum (H2302).
- \$143,000 for equipment at the University of Guam Marine Laboratory (H2303).
- \$95,000 for scholarships and program costs related to prosthetic dentistry and clinical prosthodontics (H2293).
- \$95,000 for Indiana University of Pennsylvania for curriculum development for a mine safety course and research on the use of mine maps (H2298).
- \$95,000 for Murray State University in Kentucky to purchase equipment for the Breathitt Veterinary Clinic (H2300).
- \$65,000 for a feasibility study of potential Iowa school sites (H2282).
- Certain earmarks that have been linked to a lobbying firm reported to be under federal investigation include \$951,500 for a Direct Methanol Fuel Cell (DMFC) (H2044), \$951,500 for Adaptive Liquid Crystal Windows (H2038), and \$951,400 for an anti-idling Lithium Ion Battery Program (H2038).



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## Bill Provisions

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### **DIVISION A – AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES**

The fiscal year 2009 Agriculture appropriations bill provides \$20.456 billion in 2009 discretionary budgetary authority. When this is added to the \$11.3 billion in the FY09 stimulus spending bill, the total amount of discretionary budgetary funds available in this area is \$31.8 billion, which is a \$13.3 billion increase from FY08, or an increase of 72 percent. Generally, the FY 2009 agriculture appropriations bill maintains current services with a few exceptions. Significant increases were provided to the Food and Drug Administration, domestic nutrition programs, and rental assistance for low income rural multifamily housing tenants.

	FY08 Appropriation	FY09 Appropriation (this bill)	FY09 Stimulus	Total FY09 spending
<b>Total</b>	<b>\$18.493 billion</b>	<b>\$20.456 billion</b>	<b>\$11.3 billion</b>	<b>\$31.756</b>

Of the \$108 billion provided in this bill, the following amounts are of note:

- \$244 million for building repairs for USDA buildings, an increase of \$49 million over FY08, and when combined with the stimulus spending of \$176 million, an increase of \$225 million, or 115 percent.
- \$87 million for the rural business cooperative service for grants and loan subsidies, about the same level as FY08 and \$56 million more than requested. When added to the stimulus spending of \$150 million, total funding is increased for this account by 172 percent.
- \$154 million for rural housing insurance fund for loan subsidies, about the same level as FY08 and \$140 million more than requested. When added to the stimulus spending of \$200 million, total funding is increased by \$200 million or 129 percent.
- \$556 million for water loan subsidies and grants under the Rural Utilities Service, a decrease of \$2 million compared to FY08 and \$287 million more than requested. When combined with stimulus spending of \$1.38 billion provided in the stimulus, total funding is increased by \$1.378 billion, or 247 percent.
- \$64 million for rural community facilities grants and loan subsidies, a decrease of \$2 million compared to FY08 and \$40 million more than requested. When combined

with the stimulus spending of \$130 million, this results in an increase of \$150 million or 341 percent.

- \$24 million for watershed and flood prevention, a decrease of \$6 million from FY08, but when combined with stimulus spending of \$290 million, total funding is increased by \$284 million, or 954 percent.
- \$40 million for watershed rehabilitation, a \$20 million increase from FY08 and \$34 million more than requested. When combined with stimulus spending of \$50 million, total funding is increased by \$70 million, or 350 percent.

#### *TITLE I – Agricultural Programs*

Agricultural Marketing Service: \$9.6 million is included to implement country of origin labeling (COOL) requirements.

#### *TITLE II – Conservation Programs*

\$969 million is provided for conservation programs, a \$62 million increase over the FY 2008 amount.

#### *TITLE III – Rural Development Programs*

Rural Development: Rental Assistance increases by \$423.8 million in fiscal year 2009 to \$902.5 million, almost double the fiscal year 2008 appropriation.

Rural Housing Service: Appropriated funding will support \$6.223 billion in loans to be made (\$2 billion more than fiscal year 2008).

#### *TITLE IV – Domestic Food Programs*

Food and Nutrition Services: Domestic Nutrition Programs are funded at \$76.2 billion, \$16.1 billion higher than fiscal year 2008. Domestic nutrition programs comprise slightly more than 70 percent of the total mandatory and discretionary funding in the agriculture division of the omnibus.

Supplemental Nutrition Assistance Program (SNAP, formerly Food Stamps): \$53.97 billion for SNAP, an increase of \$14 billion over fiscal year 2008. Child Nutrition Programs (school lunch and breakfast) is appropriated \$14.9 billion, an increase of \$1.05 billion over fiscal year 2008.

- Supplemental Nutrition Program for Women, Infants, and Children (WIC): \$6.86 billion for WIC, an increase of \$840 million over fiscal year 2008. Included in this amount is \$14.85 million for the breastfeeding support initiative.

*TITLE V – Foreign Assistance and Related Programs*

\$1.499 billion is provided for foreign assistance and related programs, and increase of \$23 million over the FY 2008 appropriated amount.

*TITLE VI – Related Agencies*

Food and Drug Administration (FDA): \$2.05 billion (excluding user fees), an increase of \$334.6 million (19 percent) over fiscal year 2008.

CFTC: \$146 million is provided for the Commodity Futures Trading Commission, an increase of \$34.7 million over FY 2008.

**DIVISION B – COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES**

The Omnibus appropriates \$57.7 billion for Commerce, Justice and Science, \$5.9 billion above the FY 2008 appropriated amount.

*TITLE I – Department of Commerce (DOC)*

The Omnibus provides a total of \$9.3 billion for DOC, an increase of \$603 million above the request.

Summary Table (in millions)

	FY08 Enacted	FY09 H.R. 1105	H.R. 1105 v. 2008
Economic Development Administration	773.9	273	-507
Bureau of the Census	1,440	3,140	+1.699
National Institute of Standards and Technology	756	819	+63.2
National Oceanic and Atmospheric Administration	3,988	4,365	+376.7
<b>Total, Department of Commerce</b>	<b>6,857</b>	<b>9,267</b>	<b>+2,410</b>

International Trade Administration: The bill provides \$420,431,000 for the International Trade Administration, which is \$15,259,000 above the FY 2008 enacted and \$3,175,000 above the budget request.

Bureau of Industry and Security: \$83,676,000 is for the Bureau of Industry and Security, which is \$500,000 above the budget request.

Economic Development Administration: \$272,800,000 is for the Economic Development Administration, which is \$149,168,000 above the budget request. This is in addition to the \$150,000,000 provided in the economic stimulus legislation.

Minority Business Development: \$29,825,000 for Minority Business Development, which is \$1,202,000 above the FY 2008 enacted level and \$825,000 above the budget request.

Economic and Statistical Analysis: \$90,621,000 for Economic and Statistical Analysis.

Census: \$3,139,850,000 for the Bureau of the Census, which is \$1,699,606,000 above the FY 2008-enacted level and does not include \$1 billion provided in the economic stimulus legislation approved earlier this month.

NTIA: \$39,218,000 for the National Telecommunications and Information Administration, which is \$2,952,000 above the FY 2008 enacted and \$20,773,000 above the budget request.

USPTO: \$2,010,100,000 for the US Patent and Trademark Office, which is funded through offsetting fee collections. In total, the USPTO will be returning \$76.9 million to the Treasury.

NIST: \$819,000,000 for the National Institute of Standards and Technology, which is \$63,153,000 above the FY 2008-enacted level and \$183,000,000 above the budget request. This is in addition to the \$580,000,000 provided in the economic stimulus legislation.

NOAA: \$4,365,196 for the National Oceanic and Atmospheric Administration, which is \$376,712,000 above the FY 2008-enacted level and \$261,283,000 above the budget request. This is in addition to the \$830,000,000 provided in the economic stimulus legislation.

Departmental Management: \$83,800,000 for Departmental Management.

*TITLE II – Department of Justice (DOJ)*

The bill provides a total of \$26 billion for DOJ, \$2.9 billion above the request.

Summary Table (in millions)

	FY08 Enacted	H.R. 1105	H.R. 1105 vs 2008
U.S. Attorneys	1,759	1,836	+76.5
U.S. Marshals Service	895	954	+58.9
Federal Bureau of Investigation	6,763	7,301	+537
Drug Enforcement Administration	1,887	1,939	51.7
Bureau of Prisons	5,612	6,173	+561.3
Office of Justice Programs (incl. state and local law enforcement, COPS, juvenile justice, and VAWA)	2,682	3,177	+495
<b>Total, Department of Justice</b>	<b>23,306</b>	<b>26,038</b>	<b>2,731</b>

### *TITLE III – Science*

The bill provides \$24.3 billion for science under the National Aeronautics and Space Administration (NASA), the National Science Foundation (NSF), and the Office of Science and Technology Policy (OSTP), a decrease of \$196 million below the request and an increase of \$898 million over fiscal year 2008.

Summary Table (in millions)

	FY08 Enacted	H.R. 1105	1105 v. 2008
Office of Science and Technology Policy	5.2	5.3	+0.119
NASA	17,402	17,782	+380
NSF	4,843	6,490	+362.9
<b>Total, Science</b>	<b>23,380</b>	<b>24,278</b>	<b>+898.5</b>

NASA: \$17,782,385,000 for the National Aeronautics and Space Administration, which is \$380,485,000 above the FY 2008 enacted levels and \$168,185,000 above the budget request. This is in addition to the \$1,000,000,000 provided for in the economic stimulus legislation.

NSF: \$6,490,400,000 for the National Science Foundation, which is \$362,900,000 above the FY 2008 enacted level and \$363,700,000 above the budget request. This is in addition to the \$3,000,000,000 provided in the economic stimulus legislation.

OSTP: \$5.3 million for the Office of Science and Technology Policy

### *TITLE IV – Related Agencies*

The bill provides \$872 million in total appropriations for related agencies, which includes \$344 million for the Equal Employment Opportunity Commission; \$390 million for the Legal Services Corporation; and \$47 million for the U.S. Trade Representative.

## **DIVISION C – ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES**

The FY09 Energy & Water appropriations bill provides \$33.3 billion, according to the CBO score. When this is added to the approximately \$44.3 billion in the FY09 stimulus spending bill, the total amount of discretionary budgetary authority available in this area is \$77.6 billion, which is a \$46.7 billion increase from FY08, or an increase of 151 percent.

	FY08 Appropriation	FY09 Appropriation (this bill)	FY09 Stimulus	Total FY09 spending
<b>Total</b>	<b>\$30.9 billion</b>	<b>\$33.3 billion</b>	<b>\$44.3 billion</b>	<b>\$77.6 billion</b>

Of the \$33.3 billion provided in this bill, the following amounts are of note:

*TITLE I – Department of Defense-Civil: Department of the Army*

Corps of Engineers: \$5.4 billion is provided, which is \$184.7 million, or 3.4 percent, below FY 2008, but \$661 million above the Bush Administration's request. This includes:

- \$2.142 billion for construction spending for the U.S. Army Corps of Engineers, a decrease of \$147 million from FY08 but \$740 million more than requested. When combined with stimulus spending of \$2 billion, total funding is increased by \$1.853 billion or 81 percent.
- \$384 million for Mississippi River and Tributaries spending for the Corps of Engineers, a decrease of \$3 million from FY08 but \$144 million more than requested. When combined with stimulus spending of \$375 million, total funding is increased by \$372 million or 96 percent.
- \$2.2 billion for operation and maintenance funding for the Corps of Engineers, a decrease of \$42 million from FY08, but when combined with stimulus spending of \$2.075 billion, total funding is increased by \$2.033 billion or 91 percent. The FY 2008 supplemental enacted last summer also included \$819 million for emergency repairs due to disaster events at Corps of Engineers-owned and operated infrastructure

*TITLE II – Department of the Interior*

\$1.12 billion is provided for Interior, \$33.2 million below the amount provided in FY 2008.

Bureau of Reclamation: \$920 million for water and related resources at the Bureau of Reclamation, a decrease of \$29 million but \$141 million more than requested. When combined with stimulus spending of \$1 billion, total funding is increased by \$812 million or 73 percent.

*TITLE III – Department of Energy*

\$26.967 billion, an increase of \$2.47 billion (10 percent) over current year levels (not including stimulus).

The bill provides \$9.1 billion for the National Nuclear Security Administration.

**Non-Defense**: \$10.7 billion, an increase of 14 percent over current year levels, including:

Renewable Energy: \$1.9 billion, an increase of 12 percent over the current year.

Nuclear Power: \$792 million, including the following:

- Within this amount \$515 million is provided for nuclear research and development, 17 percent above current year levels;

- \$145 million for advanced fuel cycle research; and
- \$177 million for nuclear power.

Fossil Energy: \$876 million is provided, an increase of 18 percent over current year levels. Over \$700 million is available for Round III solicitation for the Clean Coal Power Initiative, in addition to \$800 million provided in the stimulus.

**Defense**: \$16.2 billion, an increase of 7.4 percent over current year levels, including:

Weapons Activities: The bill provides \$6.38 billion for weapons activities, which is a 1.3 percent increase over current year levels.

- Section 309 provides that no funds shall be available for the Reliable Replacement Warhead. This is despite the fact that Secretary of Defense Gates, in his October 28, 2008 speech at Carnegie, criticized Congress for its RRW funding cuts and stated that the RRW program “deserves urgent attention.”

Directed Stockpile Work: \$1.59 billion is provided, which is an increase of 13 percent over current year levels, including \$155 million for plutonium capabilities.

Science Campaign: \$316.7 million, an increase of 10 percent, to support experimental efforts.

Engineering Campaign: \$150 million, which is a 5 percent above the request, including an additional \$12 million for enhanced surety research and \$12 million for nuclear survivability research.

ICF Campaign: \$436.9 million, 5 percent below current year levels, reflecting the end of the National Ignition Facility construction. No funding is provided to the Naval Research Lab.

Readiness in Technical Base and Facilities: \$1.359 billion is provided, an increase of 0.5 percent.

Naval Reactors: \$828 million, which is 7 percent above FY08 levels.

Nonproliferation: \$1.48 billion, which is 11 percent above FY08 levels.

Environmental Cleanup: \$6.45 billion, an increase of 4.8 percent over FY08 levels, including:

- Defense Cleanup: \$5.65 billion, an increase of 5.7 percent;
- UED&D: \$535.5 million, a decrease of 14 percent, but \$55 million above the request; and
- Non-Defense Cleanup: \$261.8 million, an increase of 43 percent, including \$30 million to initiate cleanup of the Argonne National Lab.

Nuclear Waste Disposal: \$288.4 million, a decrease of 25 percent from FY08 levels.

Energy Efficiency: \$1.928 billion for energy efficiency research and development, an increase of \$206 million over FY08 and \$673 million more than requested. When combined with stimulus spending of \$2.5 billion, total funding is increased by \$2.688 billion, or 154 percent.

Global Nuclear Energy/Advanced Fuel Cycle: \$0 for the Global Nuclear Energy Partnership. \$145 million for the Advanced Fuel Cycle Initiative, which is \$34 million less than FY08.

DOE Science: \$4.722 billion for DOE Science, an increase of \$754 million over FY08 and when combined with stimulus spending of \$1.6 billion, a total increase of \$2.304 billion, or 57 percent.

Weatherization Assistance: \$200 million for Weatherization Assistance, a decrease of \$27 million from FY08 but \$200 million more than requested. When combined with Stimulus spending of \$5 billion, total funding is increased by \$4.973 billion or 2211 percent.

State Energy Program: \$50 million for the State Energy Program, an increase of \$6 million over FY08, and when combined with stimulus spending of \$3.1 billion, total funding is increased by \$3.105 billion or 6900 percent.

Fossil Energy Research: \$876 million for fossil energy research, an increase of \$133 million over FY08 and \$122 million more than requested. When combined with stimulus spending of \$3.4 billion, total funding is increased by \$3.525 billion, or 470 percent.

Smart Grid: \$30 million for smart grid, an increase of \$5 million over FY08, and when combined with stimulus spending of \$4.5 billion, total funding is increased from \$25 million to \$4.533 billion.

Strategic Petroleum Reserve: \$205 million for the Strategic Petroleum Reserve, an increase of \$18 million over FY 08 but \$139 million less than requested. The request included \$171 million for expansion activities but the omnibus includes only about \$31.5 million for such activities. In its report the Senate Appropriations Committee noted that it provided for operation but “it does not support any other expansion activities at this time.” Accordingly, it appears the omnibus will waste an opportunity to fill the SPR to the 1 billion barrel authorized capacity during a time of relatively low oil prices.

Defense Environmental Cleanup: \$5.657 billion for Defense Environmental Cleanup, an increase of \$308 million over FY08, and when combined with stimulus spending of \$5.127 billion, a total funding increase of 5.435 billion, or 102 percent.

Non-Defense Environmental Cleanup: \$262 million for Non-Defense environmental cleanup, an increase of \$80 million over FY08 and \$49 million more than requested. When combined with stimulus spending of \$483 million, total funding increases by \$563 million, or 309 percent.

#### *TITLE IV – Independent Agencies*

- Appalachian Regional Commission: \$75 million.
- Delta Regional Commission: \$13 million.
- Defense Nuclear Facility Safety Board: \$25 million.
- Denali Commission: \$11.8 million.



- Nuclear Regulatory Commission: \$1.03 billion, of which \$174.9 million is appropriated.

## **DIVISION D – FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2009**

The bill allocates \$22.7 billion to Financial Services and General Government. This amount is \$1.987 billion above the FY 2008-enacted level.

### *TITLE I – Treasury*

\$1,164,720,000 is provided for the non-IRS Departmental Offices, which is \$93,505,000 above the budget request.

\$11,522,598,000 is appropriated for the IRS, which is \$428,079,000 above the FY 2008-enacted levels and \$161,089,000 above the budget request.

### *TITLE II – Executive Office of the President*

\$728,033,000 is appropriated for the Executive Office of the President and Presidential Salary, which is \$48,074,000 above the FY 2008-enacted levels and \$32,504,000 above the budget request.

A significant increase is provided to the Office of Management and Budget—\$9,972,000 above the FY 2008-enacted level.

### *TITLE III – The Judiciary*

\$6,481,438,000 is appropriated for the Judiciary accounts, which is \$235,364,000 above FY 2008-enacted levels but \$239,753,000 below the budget request.

### *TITLE IV – District of Columbia*

\$742,360,000 for payments to various accounts of the District of Columbia, which is \$132,507,000 above the FY 2008-enacted levels and \$75,442,000 above the budget request. The largest increase of \$35,825,000 over FY 2008-enacted levels is for payments for emergency planning and security costs, primarily for the Presidential Inauguration.

### *Title V – Independent Agencies*

\$23,942,491,000 is appropriated for Independent Agencies, which is \$897,977,000 below the FY 2008 enacted levels but \$261,940,000 above the budget request. Significant increases are provided to the General Services Administration, the Commodities Future Trading Commission, the Consumer Product Safety Commission, the Securities and Exchange Commission, the Small Business Administration, United States Postal Service Inspector General, and the National Archives and Records Administration.

## **DIVISION E – DEPARTMENT OF INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT**

The FY09 Interior and Environment appropriations bill provides \$27.579 billion in discretionary budget authority. When this is added to the \$10.950 billion in discretionary budget authority provided in the FY09 stimulus spending bill, the total amount of discretionary budget authority available in this area is \$38.529 billion, which is a \$11.974 billion increase from FY08, or an increase of 45 percent.

	FY08 Appropriation	FY09 Appropriation (this bill)	FY09 Stimulus	Total FY09 spending
<b>Total</b>	<b>\$26.555 billion</b>	<b>\$27.579 billion</b>	<b>\$10.950 billion</b>	<b>\$38.529 billion</b>

Of the \$27.579 billion provided in this bill, the following amounts are particularly of note:

- Clean Water State Revolving Fund: \$689 million for the Clean Water State Revolving Fund, the same funding level as FY08 but \$134 million more than requested. When combined with stimulus spending of \$4 billion, total funding is increased by \$4 billion or 581 percent.
- Drinking Water State Revolving Fund: \$829 million for the Drinking water State Revolving Fund, the same funding level as FY08, but when combined with stimulus spending of \$2 billion, total funding is increased by \$2 billion or 241 percent.
- U.S. Forest Service: \$482 million for capital improvements and maintenance for the U.S. Forest Service, an increase of \$18 million over FY08, and when combined with stimulus spending of \$650 million, total funding is increased by \$667 million, or 143 percent.
- Fish and Wildlife Service: \$140 million for refuge maintenance projects for the Fish and Wildlife Service, an increase of \$2 million over FY08, and when combined with stimulus spending of \$165 million, total funding is increased by \$167 million or 121 percent.

### *TITLE I – Department of the Interior*

National Park Service: The bill includes \$2.5 billion for the National Parks, an increase of \$135 million over 2008.

- Funding for the Park Service includes a \$161 million increase (8 percent) in funding for the operational budgets of the 391 units of the National Parks System. These funds will continue the multi-year effort initiated in 2008 to restore the National Parks for the Centennial of the National Park Service in 2016.
- This includes an additional 622 full-time equivalent (FTE) positions for the parks in 2009 and continuation of funding for 3,000 seasonal positions added in 2008.

Bureau of Land Management: The bill provides \$1 billion for the Bureau of Land Management, a 3 percent increase over the 2008-enacted level

U.S. Fish and Wildlife Service: The bill includes \$1.4 billion for the U.S. Fish and Wildlife Service, a \$139 million increase over President Bush's request and \$850 million less than 2008.

- This includes \$21 million above the request for endangered species conservation programs and a \$15 million increase for fish conservation programs.
- National Wildlife Refuge System: The bill includes \$463 million for the National Wildlife Refuge System, an increase of \$29 million over the 2008 level.

Bureau of Indian Affairs: The bill includes \$2.4 billion for programs within the Bureau of Indian Affairs, a \$185 million increase over President Bush's budget and \$85 million over the FY 2008-enacted level.

## *TITLE II – Environmental Protection Agency*

Environmental Protection Agency: The bill includes a total of \$7.6 billion for environmental protection programs at the EPA, \$174 million above the FY 2008-enacted level.

Clean Water State Revolving Fund: The bill includes \$689 million for the Clean Water State Revolving Fund, which is \$134 million more than President Bush's request and the same as FY 2008.

Climate Change: The bill includes \$260 million in funding for climate change programs, which is \$85 million over the request and \$73 million over the FY 2008- enacted level.

- Climate Change research increases over FY 2008 include \$33 million for the U.S. Geological Survey, including a total of \$10 million for the National Global Warming and Wildlife Science Center, and \$5 million for global change research at the Forest Service.
- Grants to Combat Climate Change: The bill provides \$10 million for a new EPA grant program for local governments to demonstrate innovative methods to combat climate change.

## *TITLE III – Related Agencies*

U.S. Forest Service (non-fire operations): The bill provides \$2.6 billion for the non-fire related activities of the U.S. Forest Service. This is an increase of \$79 million over the FY 2008-enacted funding, excluding wildfire programs.

Indian Health Service: The bill provides \$3.6 billion for the Indian Health Service, which is \$256 million above the request.

Smithsonian Institution: The bill provides \$731 million for the Smithsonian Institution, an increase of \$48 million over the FY 2008-enacted level.

National Endowments for the Arts and Humanities: The bill includes \$155 million for the National Endowment for the Arts and \$155 million for the National Endowment for the Humanities, an increase of \$21 million over FY 2008 for the two endowments. \$50 million for the National Endowment for the Arts was included in the ARRA.

## **DIVISION F – DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES**

Division F totals \$151.45 billion, an increase of \$4.25 billion over the FY 2008 level.

### *TITLE I – Department of Labor*

Employment and Training Administration: \$1.9 billion is allocated for Training and Employment Services, an increase of \$50.2 million over FY 2008.

Community Service Employment for Older Americans: \$571.9 million is provided for community service for older Americans, an increase of \$50 million over FY 2008. This comes on top of the \$120 million provided in ARRA.

Unemployment Insurance (UI): Provides \$2.8 billion for grants to states for the administration of state unemployment laws, a \$260 million increase. This funding is in addition to \$400 million provided in the stimulus bill.

### *TITLE II – Department of Health and Human Services*

Health Resources and Services Administration (HRSA): Funded at \$7.5 billion, which is an increase of \$516 million above last year and \$1.37 billion above the requested level. This includes:

- Community Health Centers: Funded at \$2.19 billion, which is \$125 million above last year and \$98 million above the request.
- Ryan White AIDS Program: Funded at \$2.2 billion, which is \$71 million above last year and \$70 million above the request.
- Rural Health Programs: Funded at \$149 million, which is \$12 million above last year and \$124 million above the request.
- Family Planning: Funded at \$307 million, which is \$7.5 million above last year and \$7.5 million above the request.
- Children's Hospital Graduate Education: Funded at \$310 million, which is \$8 million above last year and \$310 million over the request (which was to zero out the funding).

Centers for Disease Control and Prevention (CDC): Funded at \$6.7 billion, which is an increase of \$239 million over last year and \$714 million more than the request.

National Institutes of Health (NIH): Funded at \$30.3 billion, which is an increase of \$937 million and \$1.09 billion over the requested level.

Substance Abuse and Mental Health Services Administration (SAMHSA): Funded at \$3.4 billion, which is \$110 million more than last year and \$308 million over the requested level.

Agency for Healthcare Research and Quality (AHRQ): Funded at \$372 million, which is \$37 million more than last year and \$46 million over the requested level.

Centers for Medicare and Medicaid Services (CMS): Funded at \$419 billion, which is \$19 billion more than last year and \$73 million over the requested level.

Head Start: Provides \$7.1 billion, a \$235 million increase. This funding is in addition to the \$1 billion provided in the stimulus bill.

Child Care and Development Block Grant (CCDBG): Provides \$2.1 billion, a \$65 million increase. This funding is in addition to the \$2 billion that was provided in the stimulus bill.

Social Services Block Grant: Provides \$1.7 billion (level funding) in addition to the \$400 million provided in the stimulus bill

### *TITLE III – Department of Education*

Overall the Omnibus provides \$66.5 billion for the Department of Education, a \$4.5 billion increase over FY 2009 levels. When combined with the nearly \$100 billion from the stimulus, the Department of Education will receive a \$101.2 billion (163 percent) increase in funding.

Title I, Part A: Provides \$14.5 billion for Title I, Part A, which is a \$593.5 million increase over FY 2008 levels. Combined with the \$10 billion provided in the stimulus bill, Title I, Part A will experience a \$10.6 billion (76 percent) increase in funding.

IDEA, Part B: Provides \$11.5 billion for IDEA, Part B, which is a \$558 million increase. Combined with the \$11.7 billion in the stimulus, IDEA, Part B will receive a \$12.3 billion (112 percent) increase in funding.

Pell Grants: Provides \$17.3 billion for Pell Grants, a \$3.1 billion increase. Combined with the \$15.6 billion in the stimulus bill, Pell Grants will receive a \$18.7 billion (132 percent) increase in discretionary funding.

### *TITLE IV – Related Agencies*

\$32.3 billion is provided for current year appropriations for related agencies, an increase of \$3.6 billion, including:

Corporation for National and Community Service: \$889 million is provided for the Corporation for National and Community Service, an increase of \$33.6 million over FY 2008. The largest increase comes in AmeriCorps grants, which receive \$28.9 million more than FY 2008.

Corporation for Public Broadcasting: \$61 million is provided for CPB, an increase of \$5.7 million and \$61 million more than requested in President Bush's budget.

## **DIVISION G – LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2009**

### *TITLE I – Legislative Branch Appropriations*

The FY 2009 Legislative Branch portion of the Omnibus totals \$4.4 billion, an 11 percent increase of \$432 million over the FY 2008-enacted level. The largest increase is \$116 million for the Architect of Capitol, principally related to continued efforts to abate asbestos and make other improvements to Capitol complex utility tunnels.

Senate: The bill provides \$895 million for the Senate, which is an increase of \$63 million.

House of Representatives: The bill provides \$1.3 billion for the House of Representatives, a \$118 million increase from FY 2008.

Capitol Police: The bill provides \$305.8 million for the Capitol police, a \$23.8 million increase to fund USCP growth to approximately 1,800 officers and 400 civilian staff, and the transfer of LOC police to the Capitol Police (90 officers)

Architect of the Capitol: Totals \$529.6 million, an increase of \$116 million (28 percent) over FY 2008, including \$85 million in deferred maintenance, fire and life safety projects. \$56 million is for abatement of asbestos and structural problems in utility tunnels. \$31 million is for Capitol Visitor Center construction completion costs.

Library of Congress: Totals \$607 million, an increase of \$44 million (8 percent), roughly the same as budget request. Includes \$13.5 million for Digital Talking Books for the Blind.

GPO: Totals \$140.6 million, an increase of \$16 million (12 percent), to fund prior year printing costs, as well as infrastructure upgrades and building improvements.

GAO: Totals \$530 million, which is \$31 million, or 6 percent, more than FY08.

Congressional Budget Office: Funds total \$44 million, an increase of \$7 million (18 percent) over FY08. Funds will be used for new requirements under Economic Stabilization Act, as well as new capabilities in health care and climate change analysis.

Office of Compliance: Totals \$4.1 million, an increase of \$730,000, or 22 percent over FY08.

## **DIVISION H – DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT**

The FY09 State and Foreign Operations appropriations bill provides \$36.62 billion in discretionary budget authority. When this is added to the approximately \$600 million provided in discretionary budget authority in the FY09 stimulus bill, the total amount of discretionary budgetary available in this area is \$37.2 billion, which is a \$4.4 billion increase from FY08, or an increase of 13 percent.

	FY08 Appropriation	FY09 Appropriation (this bill)	FY09 Stimulus	Total FY09 spending
<b>Total</b>	<b>\$32.8 billion</b>	<b>\$36.6 billion</b>	<b>\$0.6 billion</b>	<b>\$37.2 billion</b>

Of the \$36.62 billion provided in this bill, the following amounts are of note:

### *TITLE I – Department of State*

- \$5.36 billion is for Diplomatic and Consular Programs, which is \$819 million more than the FY08 appropriation and \$3.95 million less than the budget request. This is in addition to the \$90 million provided for this in the stimulus bill. Of the amount provided in this underlying bill, \$1.12 billion is for Worldwide Security Protection.
- \$75 million is for the Civilian Stabilization Initiative for the Department of State to stand-up, equip, and deploy a coordinated civilian response capacity to prevent or respond to conflict or civil strife abroad.
- \$538 million is for Educational and Cultural Exchange Programs, which is \$36.65 million more than the FY08 appropriation and \$15.56 million more than the budget request.
- \$1.71 billion for Embassy Security, Construction and Maintenance, which is \$206 million more than the FY08 appropriation and \$218.3 million less than the budget request. Of this amount,
  - \$801.3 million is for operations, maintenance, and construction,
  - \$770 million is for priority worldwide security upgrades, acquisition, and construction, and
  - \$135 million is for USAID’s overseas facility construction program.
- \$1.53 billion for contributions to International Organizations, which is an amount equal to the budget request.
- \$1.52 billion for contributions to International Peacekeeping Activities, which is \$294 million more than the FY08 appropriation, and which is \$20 million more than the budget request.

- \$43 million for construction projects of the U.S.-Mexico International Boundary and Water Commission, which is in addition to the \$220 million provided for this in the stimulus bill.
- \$698.19 million for International Broadcasting Operations, which is \$44.39 million more than the budget request.
- \$115 million for the National Endowment for Democracy, which is \$35 million more than the budget request.

*TITLE II – Agency for International Development*

- \$808.6 million for USAID Operating Expenses, which is \$178.73 million more than the FY08 appropriation and \$41.4 million more than the budget request.

*TITLE III – Bilateral Economic Assistance*

- \$7.11 billion for Global Health and Child Survival, which is \$737.92 million more than the FY08 appropriation and \$757.17 million more than the budget request. Of this amount,
  - \$1.96 billion is for USAID, and
  - \$5.16 billion is for the State Department Office of the Global AIDS Coordinator.
  - Further direction provides that \$5.5 billion is for HIV/AIDS programs.
- \$1.8 billion is for Development Assistance, which is \$176.38 million more than the FY08 appropriation and \$160.95 million more than the budget request. Of this amount, \$11 million is provided for China, which is \$11 million more than the budget request.
- \$350 million for International Disaster Assistance, which is \$30.3 million more than the FY08 appropriation and \$51.95 million more than the budget request.
- \$3 billion for the Economic Support Fund, which is \$574.6 million more than the FY08 appropriation and \$146.7 less than the budget request. Of this amount,
  - \$2.5 million is for Syria, which is \$2.5 million more than the budget request, and
  - \$75 million is for West Bank/Gaza, which is equal to the budget request.
- The bill provides a total of \$1.04 billion from all accounts for assistance to Afghanistan, and directs the Secretary of State to provide a report within 180 days on its efforts to increase participation by NATO member-states in the mission in Afghanistan.
- The bill does not include the \$300 million in ESF funding requested for Iraq.
- \$116 million for the Democracy Fund, which is \$46.67 million less than the FY08 amount and \$116 million more than the budget request. Of this amount,
  - \$74 million is for the Bureau of Democracy, Human Rights and Labor, and



- \$37 million is for USAID's Office of Democracy and Governance in the Bureau of Democracy, Conflict and Humanitarian Assistance.
- \$650 million for Freedom Support Act and Support for East European Democracy Act funds (SEED). Of this amount, \$60 million is for Russia, which is \$13 million more than the budget request.
- \$875 million for International Narcotics Control and Law Enforcement, which is \$321 million more than the FY08 appropriation amount, and \$327 million less than the budget request.
  - The bill provides that none of the funds appropriated may be made available for eradication programs through the aerial spraying of herbicides unless the Secretary of State determines that the President of Afghanistan has requested assistance for such aerial spraying programs for counternarcotics or counterterrorism purposes.
  - Of the amount provided, \$246 million is included for continued support of activities in Mexico related to the Merida Initiative.
- \$525 million for Nonproliferation, Anti-terrorism, Demining and Related Programs, which is \$42 million more than the FY08 appropriation and \$26 million more than the budget request. Of this amount, \$25 million is for the CTBT International Monitoring System, which is approximately \$15 million more than the budget request.
- \$340 million for the Peace Corps, which is \$9.2 million more than the FY08 appropriation and \$3.5 million less than the request.
- \$875 million for the Millennium Challenge Corporation, which is \$669.38 million less than the FY08 appropriation and \$1.35 billion less than the budget request.

#### *TITLE IV – International Security Assistance*

- \$250.2 million for Peacekeeping Operations, which is \$3 million more than the budget request and \$23.8 million less than the FY08 appropriation.
- \$91 million for International Military Education and Training, which is \$500,000 more than the budget request and \$5.8 million more than the FY08 appropriation.
- \$4.64 billion for the Foreign Military Financing Program, which is \$177 million less than the budget request and \$183 million more than the FY08 appropriation. Of this amount,
  - \$2.38 billion is for assistance for Israel,
  - \$1.3 billion for Egypt,
  - \$235 million for Jordan, and
  - \$300 million for Pakistan.

## *TITLE V – Multilateral Assistance*

- \$352.5 million for International Organizations and Programs, which is \$75.6 million more than the budget request and \$35.6 million more than the FY08 appropriation. Of this amount,
  - \$8 million is for the International Panel on Climate Change/UN Framework on Climate Change, which is \$2.7 million more than the budget request, and
  - \$8 million is for the UN High Commission for Human Rights, which is \$8 million more than the budget request.

## *TITLE VII – General Provisions*

Section 7043 is new, requiring the Secretary of State to submit a report on the status of multilateral and bilateral U.S. sanctions against Iran and actions taken by the United States and the international community to enforce sanctions against Iran.

Section 7044 provides that Foreign Military Financing Program funds for assistance for Lebanon shall be made available only to professionalize the Lebanese Armed Forces and to strengthen border security and combat terrorism; and that none of these funds shall be available for obligation until the Secretary of State provides a detailed spending plan, which shall include a strategy for professionalizing the Lebanese Armed Forces, as well as strengthening border security and combating terrorism in Lebanon.

Section 7046 provides that no more than \$545 million of the Bilateral Economic Assistance funds (Title III) and International Security Assistance funds (Title IV) shall be available for assistance to Colombia. It withholds 30 percent of the assistance until the Secretary of State makes certain certifications concerning human rights violations by the Colombian Armed Forces and government links to paramilitary networks.

Section 7051 provides that the U.S.-assessed share for each United Nations peacekeeping operation for the calendar years 2006-2009 shall be limited to 27.1 percent.

Section 7079 seems to maintain conditions on funds for the United Nations Population Fund designed to protect life, but still provides funds to the UNFPA where the Bush Administration did not. The Bush Administration consistently found that the UNFPA was ineligible for U.S. funds under the Kemp-Kasten amendment, which bans U.S. assistance to organizations that support or participate in a program of coercive abortion or involuntary sterilization. For example, the FY08 Consolidated Appropriations Act designated \$40 million for UNFPA if it was determined eligible for the funds. On June 26, 2008, the State Department announced that UNFPA was ineligible for that funding, while this bill now provides \$50 million for UNFPA.

In seemingly a reference to the Kemp-Kasten amendment, Section 7079(b) provides that funds shall be available for certain specific purposes to UNFPA “that are not made available because of the operation of any provision of law . . . notwithstanding any such provision of law.” Section 7079(d), however, provides conditions on the use of those funds, providing that the

UNFPA: 1) must maintain the U.S. funds in a separate account and may not commingle the funds with other UNFPA accounts, and 2) may not “fund abortions.”

Sections 7079(c) and (e) provide a further condition on the funds, in that none of the funds to be provided to UNFPA may be used for a country program in China. If it is determined that UNFPA plans to spend funds for a country program in China, then the amount of such funds UNFPA plans to spend in China shall be deducted from the funds the United States makes available to UNFPA (since such funds are to be in a separate account under 7079(b)).

Under the Mexico City Policy, foreign aid was generally restricted from foreign organizations that were involved in voluntary abortion activities, even if such activities were undertaken with non-U.S. funds. Upon the rescission of this policy, Section 7018 of the Omnibus reiterates that the main restriction still operating in this area is the prohibition in the Foreign Assistance Act against foreign nongovernmental organizations using U.S. funds “to pay for the performance of abortions as a method of family planning” or involuntary sterilizations. 22 U.S.C. § 2151b(f)(1).

The following general provisions of note from the FY08 appropriations bill were not carried forward to this year:

- Section 602, providing that no funds may be made available to make an assessed contribution or voluntary payment to the United Nations “if the United Nations implements or imposes any taxation on any United States persons.”
- Section 699F, limiting the expenditure of certain funds available for Pakistan until the Secretary of State reports that Pakistan is making concerted efforts to prevent al Qaeda and associated terrorist groups from operating in the territory of Pakistan, and from using the territory of Pakistan as a sanctuary from which to launch attacks within Afghanistan.

## **DIVISION I – TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES**

The Transportation-HUD (THUD) FY09 appropriations bill provides \$108.7 billion in mandatory and discretionary spending, which is \$6.18 billion more than the FY08 bill and \$6.2 billion more than the budget request. Discretionary spending is \$55 billion, an increase of \$6.1 billion over FY 2008.

### *TITLE I – Department of Transportation*

Office of the Secretary: \$207,065,000 for the Office of the Secretary, which is \$50,395,000 above the FY 2008-enacted levels and \$76,826,000 above the budget request. This is in addition to the \$1,500,000,000 provided in the economic stimulus legislation for supplemental grants for the national surface transportation system.

FAA: \$15,390,062,000 in total budget resources for the Federal Aviation Administration, which is \$865,623,000 above the FY 2008-enacted levels and \$747,062,000 above the budget request.

This is in addition to the \$200,000,000 provided for supplemental funding for facilities and equipment and \$1,100,000,000 for grants in aid for airports in the economic stimulus legislation.

FHA: \$38,563,400,000 in total budget resources for the Federal Highway Administration, of which \$3,195,158,000 is direct appropriations. The overall resources level represents a decrease of \$354,496,000 from FY 2008-enacted levels and \$2,310,672,000 above the budget request. This is in addition to the \$27,500,000,000 provided in the economic stimulus legislation for highway infrastructure spending.

Federal Motor Carrier Safety Administration: \$507,855,000 in total budget resources for the Federal Motor Carrier Safety Administration, which is \$28,678,000 above FY 2008-enacted levels and \$5,000,000 above the budget request.

NHTSA: \$784,356,000 in total budget resources for the National Highway Traffic Safety Administration, which is \$30,370,000 below the FY 2008-enacted levels and \$66,644,000 below the budget request.

FRA: \$1,761,561,000 for the Federal Railroad Administration (FRA), which is \$180,259,000 above the FY 2008-enacted levels and \$670,866,000 above the budget request. \$1,453,166,000 of the total FRA amount is for Amtrak, of which \$550,000,000 is for operating grants – an increase of \$75,000,000 over FY 2008 enacted levels and \$550,000,000 above the budget request. This is in addition to the \$8,000,000,000 provided in the economic stimulus legislation for high speed rail and intercity passenger rail service and \$1,300,000,000 for Amtrak.

FTA: \$10,131,228,000 in total budget resources for the Federal Transit Administration, which is \$773,253,000 above FY 2008-enacted levels and \$4,179,000 below the budget request. This is in addition to the \$8,400,000,000 provided in the economic stimulus legislation for transit capital assistance, fixed guideway infrastructure investment, and capital investment grants.

Saint Lawrence Seaway Corporation: \$31,842,000 for the Saint Lawrence Seaway Corporation, which is \$14,450,000 above the FY 2008-enacted level and equal to the budget request.

Maritime Administration: \$332,008,000 for the Maritime Administration, which is \$25,281,000 above FY 2008-enacted levels and \$18,629,000 above the budget request. This is in addition to the \$100,000,000 provided in the economic stimulus legislation for supplemental grants for small shipyards.

PHMSA: \$172,927,000 for the Pipeline and Hazardous Materials Safety Administration, which is \$18,483,000 above the FY 2008 enacted levels and \$5,000,000 above the budget request.

## *TITLE II – Department of Housing and Urban Development*

The bill provides \$41.5 billion in non-emergency discretionary spending, which is \$3.9 billion more than FY08 and \$2.46 billion more than the budget request. Significant highlights include:

- \$1,302,875,000 for the Management and Administration, which is \$90,875,000 above FY 2008-enacted levels and \$12,875,000 above the budget request.
- \$24,507,044,000 for the Public and Indian Housing Administration, which is \$629,586,000 above the FY 2008-enacted levels and \$1,660,104,000 above the budget request. This is in addition to the \$4,000,000,000 provided in the economic stimulus legislation for the public housing capital fund and \$510,000,000 for Native American Housing Block grants.
- \$7,818,000,000 for the Community Planning and Development, which is \$875,260,000 above the budget request. This is in addition to the \$1,000,000,000 provided in the economic stimulus legislation for the community development fund and \$2,000,000,000 provided for redevelopment of abandoned properties, \$2,250,000,000 provided for home investment partnerships, and \$1,500,000,000 provided for homelessness prevention.
- \$8,575,400,000 for Housing Programs, which is \$1,181,590,000 above the FY 2008-enacted levels and \$405,000,000 above the budget request. This is in addition to the \$2,250,000,000 provided for in the economic stimulus legislation for section 8 rental assistance and retrofitting buildings to be “green.”
- \$58,471,000 for the Federal Housing Administration, which is \$139,360,000 above FY 2008-enacted levels and \$11,000,000 above the budget request.
- \$315,000,000,000 in limits for commitments for single family loan guarantees and \$45,000,000,000 in limits on multi-family and specialized loan guarantees by the Federal Housing Administration. This represents an increase of \$130,000,000,000 and \$10,000,000,000 respectively over the budget request.
- \$300,000,000,000 in limits for new commitments for loan guarantees by the Government National Mortgage Association, which is \$100,000,000,000 above the budget request and the FY 2008-enacted levels. Offsetting receipts under the program generate \$193,000,000.
- \$140,000,000 for the Office of Lead Hazard Control, which \$5,000,000 is below FY 2008-enacted levels and \$24,000,000 above the budget request. This is in addition to the \$100,000,000 provided in the economic stimulus legislation.

### *TITLE III – Independent Agencies*

\$303,012,000 for Independent Agencies, which is \$111,659,000 below the FY 2008 enacted levels and \$32,732,000 above the budget request. The National Reinvestment Corporation is cut significantly (\$118,800,000 below FY 2008-enacted levels).

## **DIVISION J – FURTHER PROVISIONS RELATED TO HOMELAND SECURITY AND OTHER MATTERS**

The bill provides \$100 million in emergency supplemental appropriations for fiscal year 2009 to the United States Secret Service for its protective missions, including additional agents and related costs, and communications. Up to \$12.7 million of this amount may be made available to cover the repairs and deferred maintenance work at the Secret Service's Rowley Training Center.

The bill extends the authorization of three programs through September 30, 2009: the E-Verify program, the EB-5 Visa program, and the National Flood Insurance Program.

The bill extends the authorization of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism until March 1, 2010.